

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA 12 DEC 19 PM 4:16

UNITED STATES OF AMERICA,  
PLAINTIFF,

OFFICE OF THE CLERK

8:12CR417

v.

INDICTMENT

18 U.S.C. § 1030(a)(2)(C)

KEVIN CAVE,  
DEFENDANT.

The Grand Jury charges:

COUNT 1

1. At all times material to this indictment the Nebraska Crime Commission had created and maintained the Nebraska Criminal Justice Information System, (NCJIS). NCJIS is a computer-based information sharing project between state, local, and federal criminal justice agencies within the State of Nebraska as well as agencies in other states.
2. The NCJIS database provides links to numerous databases maintained by other agencies and includes, among other things, access to criminal history information, drivers' license information, employment information, information from penal institutions and probation and parole information.
3. The computer servers hosting the NCJIS website are physically located in Lincoln, Nebraska, however, the NCJIS database is accessed via the internet and connection is established through a website. The NCJIS computers are used in, and affect, interstate commerce. The NCJIS database, and the computers and servers on which it is found

and run, are "protected computers" as defined by Title 18, United States Code, Section 1030(e)(2)(B).

4. Access to the NCJIS database is limited to approved criminal justice agencies. The majority of the agencies authorized to access the NCJIS database are Nebraska state law enforcement agencies, however, some federal agencies have been granted access as well as some agencies in other states.
5. Criminal justice agencies wishing to obtain access to the NCJIS database are required to submit an application, execute a memorandum of understanding acknowledging the confidentiality of the information maintained in NCJIS, and undergo training on the rules and regulations governing access to, and dissemination of, information found within the system. Approved agencies, in turn, are required to train individual users within the agency on the same rules and regulations pertaining to access and disclosure.
6. Access to the NCJIS database is secure with users required to have a digital certificate and a valid password.
7. Access to criminal justice information found in NCJIS is limited to law enforcement personnel only and for their use in their official capacities. Information in NCJIS is not to be disseminated to the public.

8. The City of Omaha Police Department is an agency authorized to access information maintained in the NCJIS database. The Omaha Police Department trains individual officers on the rules regarding access to, and dissemination of, criminal justice information found in the NCJIS database before an individual officer is given access to the system. The training specifically addresses the confidential nature of criminal justice information available in NCJIS.
9. KEVIN CAVE, (CAVE), was an officer with the Omaha Police Department. He served from on or about September 23, 2002, until on or about September 7, 2012. CAVE underwent training on NCJIS, to include training on confidentiality, on or about January 24, 2008. CAVE received authorization to access NCJIS on or about January 24, 2008, and remained an authorized user until on or about September 7, 2012.
10. Commencing on or about August 1, 2010, and continuing until on or about August 21, 2012, CAVE began conducting NCJIS searches on individuals on behalf of car dealerships attempting to repossess vehicles. CAVE would access confidential information available through NCJIS linked databases in an effort to locate the individuals who had purchased the vehicles. The NCJIS searches were not connected to any legitimate law enforcement activity and were not authorized. When CAVE would obtain information on a possible location for the purchaser(s) he would

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disseminate the information to the dealership or the repossession company attempting  
to locate the vehicle.

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11. CAVE conducted unauthorized NCJIS searches on behalf of the car dealerships because he was being paid up to \$200.00 for each lead that led to a successful repossession. Between on or about August 1, 2010, and August 21, 2012, CAVE conducted unauthorized NCJIS searches and received at least \$11,400.00 from the dealerships for having done so.

12. From on or about August 1, 2010, through on or about the 21<sup>st</sup> day of August, 2012, in the District of Nebraska, KEVIN CAVE, defendant herein, intentionally exceeded authorized access to a computer and thereby obtained information from a protected computer and the offense was committed for private financial gain,

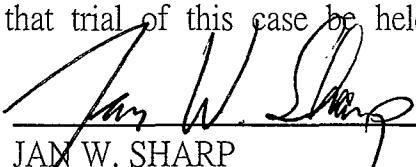
In violation of Title 18, United States Code, Section 1030(a)(2)(C) and (c)(2)(B)(i).

A TRUE BILL:

  
FOREPERSON

  
DEBORAH GILG  
United States Attorney

The United States of America requests that trial of this case be held at Omaha, Nebraska, pursuant to the rules of this Court.

  
JAN W. SHARP  
Assistant U.S. Attorney